

IN RE: PETITION FOR ZONING VARIANCE
W/S Middle River Road, 80 ft.
N of Langley Road
610 Middle River Road
15th Election District
9th Councilmanic District
Trustees of Middle River Baptist
Church, Petitioners

- BEFORE THE
- ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- Case No. 91-319-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 413.1(b) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an existing double sided illuminated sign with a total area of 89.2 square feet, in lieu of the permitted 30 sq. ft. sign, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners, by John Muller, appeared, testified and was represented by James Patterson, Esquire. There were no protestants.

Testimony indicated that the subject property known as 610 Middle River Road Avenue, consists of 12.2 acres +/-, zoned D.R.5.5 and is currently improved with the Middle River Baptist Church.

Testimony indicated that the subject sign replaced an old plywood sign which had deteriorated over the years. Testimony indicated that there are approximately eight churches within a one mile radius of the subject property and that visitors had indicated difficulty in reading the old sign in time to negotiate the turn into the parking lot. Testimony indicated that approximately 14,000 cars per day use Middle River Road and that traffic frequently exceeds the posted 30 mile per hour limit for this roadway. No ingress or egress problems have been experienced as a result of the sign, and light diffusion has been restricted to the subject site.

MICROFILMED

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirements from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

MICROFILMED

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of May 1991 that the Petition for a Zoning Variance from Section 413.1(b) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an existing double sided illuminated sign with a total area of 89.2 square feet, in lieu of the permitted 30 sq. ft. sign, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:mmn
cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 5/2/91
By J. Robert Haines

-3-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 1, 1991

James H. Patterson, Esquire
400 E. Joppa Road
Towson, Maryland 21204

RE: Petition for Zoning Variance
Case No. 91-319-A
Trustees of the Middle River Baptist Church, Petitioner

Dear Mr. Patterson:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:mmn
encl.
cc: Peoples Counsel

cc: Mr. John F. Muller
4 Box Circle
Baltimore, Maryland 21221

PETITION FOR ZONING VARIANCE 91-319-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 413.1(b) to allow an existing double sided

illuminated sign with a total area of 89.2 square feet, in lieu

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the

following reasons: (Indicate hardship or practical difficulty)

1. We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

2. The current sign was constructed in a manner that blends with the building it is identifying and also to take advantage of the topography. Smaller sign would be less tasteful and effective.

3. The existing sign has been in place for over three (3) years and it replaced another sign that was located in same area.

4. The spirit of the sign ordinance would appear to be such that excessive signs, both in size and style, should not be allowed in residential areas, but allowing for signs that are tastefully done and serve the purpose of identification for the permitted non-residential areas. The allowance of this variance would certainly fulfill the spirit of the ordinance.

5. Denying the variance would require the church to remove the existing sign and replace it with a sign that would not blend with the buildings and much less functional. This would be an unnecessary burdensome and as already stated would cause increased danger to public safety.

6. The removal of the existing sign would cause the following practical difficulties:

a) The allowable sign would be too small to be safely seen. The purpose of the existing sign is to identify the Church and give the hours of the various activities. The area where the church and the sign are located is very open. A smaller one-sided sign could not be seen without diverting the driver's attention and would cause a danger to public safety and welfare.

b) The current sign was constructed in a manner that blends with the building it is identifying and also to take advantage of the topography. Smaller sign would be less tasteful and effective.

c) The existing sign has been in place for over three (3) years and it replaced another sign that was located in same area.

d) The spirit of the sign ordinance would appear to be such that excessive signs, both in size and style, should not be allowed in residential areas, but allowing for signs that are tastefully done and serve the purpose of identification for the permitted non-residential areas. The allowance of this variance would certainly fulfill the spirit of the ordinance.

e) Denying the variance would require the church to remove the existing sign and replace it with a sign that would not blend with the buildings and much less functional. This would be an unnecessary burdensome and as already stated would cause increased danger to public safety.

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ATTACHMENT PETITION FOR ZONING VARIANCE MIDDLE RIVER BAPTIST CHURCH 91-319-A

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MICROFILMED

PAUL K. MILLER & ASSOCIATES 1309 KITCHEN HIGHWAY, SUITE D ARNOOLD, MARYLAND 21012 (301)757-9202

PAUL K. MILLER, P.L.S.

LAND SURVEYING
LAND PLANNING

Jan. 4, 1991

ZONING DESCRIPTION LAND OF THE TRUSTEES OF THE MIDDLE RIVER BAPTIST CHURCH OF BALTIMORE COUNTY, MARYLAND

Beginning at a point on the west side of Middle River Road, which is sixty (60) feet wide, at the distance of eighty (80) feet north of the centerline of Langley Road, which is sixty (60) feet wide, thence the following courses and distances:

South 81°38'07" West, 164.58 feet
South 06°47'17" East, 115.99 feet
South 81°07'08" West, 210.77 feet
North 02°11'21" East, 119.87 feet
South 82°03'54" West, 1080.39 feet
North 06°30'40" East, 359.47 feet
North 81°38'40" East, 1354.25 feet and
South 19°20'00" East, 373.55 feet to the place of beginning, as recorded in Deed Liber 5677, Folio 76.

Containing 531,388 square feet or 12.199 acres of land.
Also known as #610 Middle River Road and located in the Fifteenth (15th) Election District of Baltimore County, Maryland.

The above description prepared from a plat entitled "Property Survey for Middle River Baptist Church Property" by Charles A. Logan, dated June 10, 1976.



MICROFILMED

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th Date of Posting: 5/1/91
Posted for: 14 days
Petitioner: Trustees of Middle River Baptist Church
Location of property: 610 Middle River Rd., 15th Election District
Location of Sign: 610 Middle River Rd., 15th Election District
Remarks: 1 sign posted
Posted by: J. Robert Haines Date of return: 5/15/91
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3-19-1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3-14-1991.

THE JEFFERSONIAN.

S. Zake Orlum
Publisher

\$66.34

MICROFILMED

ORDER RECEIVED FOR FILING
Date 5/2/91
By J. Robert Haines

ORDER RECEIVED FOR FILING
Date 5/2/91
By J. Robert Haines

(over)

CERTIFICATE OF PUBLICATION

3-19-1991

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3-14-1991

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

S. Zeke Olson
Publisher

\$66.34

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-4150
Number

DATE: 3/26/91

RE: Case Number: 91-319-A
W/S Middle River Road, 80' N of Langley Road
610 Middle River Road
15th Election District - 6th Councilmanic
Petitioner(s): Trustees of Middle River Baptist Church
HEARING: WEDNESDAY, APRIL 10, 1991 at 11:00 a.m.

Dear Petitioner(s):

Please be advised that \$91.34 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: James H. Patterson, Esq.

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

DATE: 91-319

RE: Case Number: 91-319-A
W/S Middle River Road, 80' N of Langley Road
610 Middle River Road
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J. Robert Haines
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: James H. Patterson, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

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ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: James H. Patterson, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 22, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-319-A
W/S Middle River Road, 80' N of Langley Road
610 Middle River Road
15th Election District - 6th Councilmanic
Petitioner(s): Trustees of Middle River Baptist Church
HEARING: WEDNESDAY, APRIL 10, 1991 at 11:00 a.m.

Variance to allow an existing double-sided illuminated sign with a total area of 89.2 square feet in lieu of permitted 30 square feet sign.

J. Robert Haines
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Trustees of Middle River Baptist Church
James H. Patterson, Esq.
John F. Muller

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 28, 1991

James H. Patterson, Esquire
400 E. Joppa Road
Towson, MD 21204

RE: Item No. 288, Case No. 91-319-A
Petitioner: John F. Muller
Petition for Zoning Variance

Dear Mr. Patterson:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. John F. Muller
Middle River Baptist Church
610 Middle River Road
Middle River, MD 21220

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 6th day of February, 1991.

J. Robert Haines
ZONING COMMISSIONER

Received By:
James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Middle River Baptist Church, et al
Petitioner's Attorney: James H. Patterson

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: February 11, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Charles Leonard Thomas, Item No. 280
Cynthia Edelberg, Item No. 284
Trustees of Middle River Baptist Church, Item No. 288
Diamond Point Plaza Ltd. Partnership, Item No. 287
Chuong Vinh, Item No. 291
Fauver Properties, Item No. 293
Robert Harvey, Item No. 303

In reference to the petitioners' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

FK/JL/cmm

ITEMS.VAR/ZAC1

Baltimore County Government
Department of Public Works
Bureau of Traffic Engineering

401 Bosley Avenue Suite 405
Towson, MD 21204

887-3353
Fax 887-5781

February 14, 1991

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 288, 292, and 294.

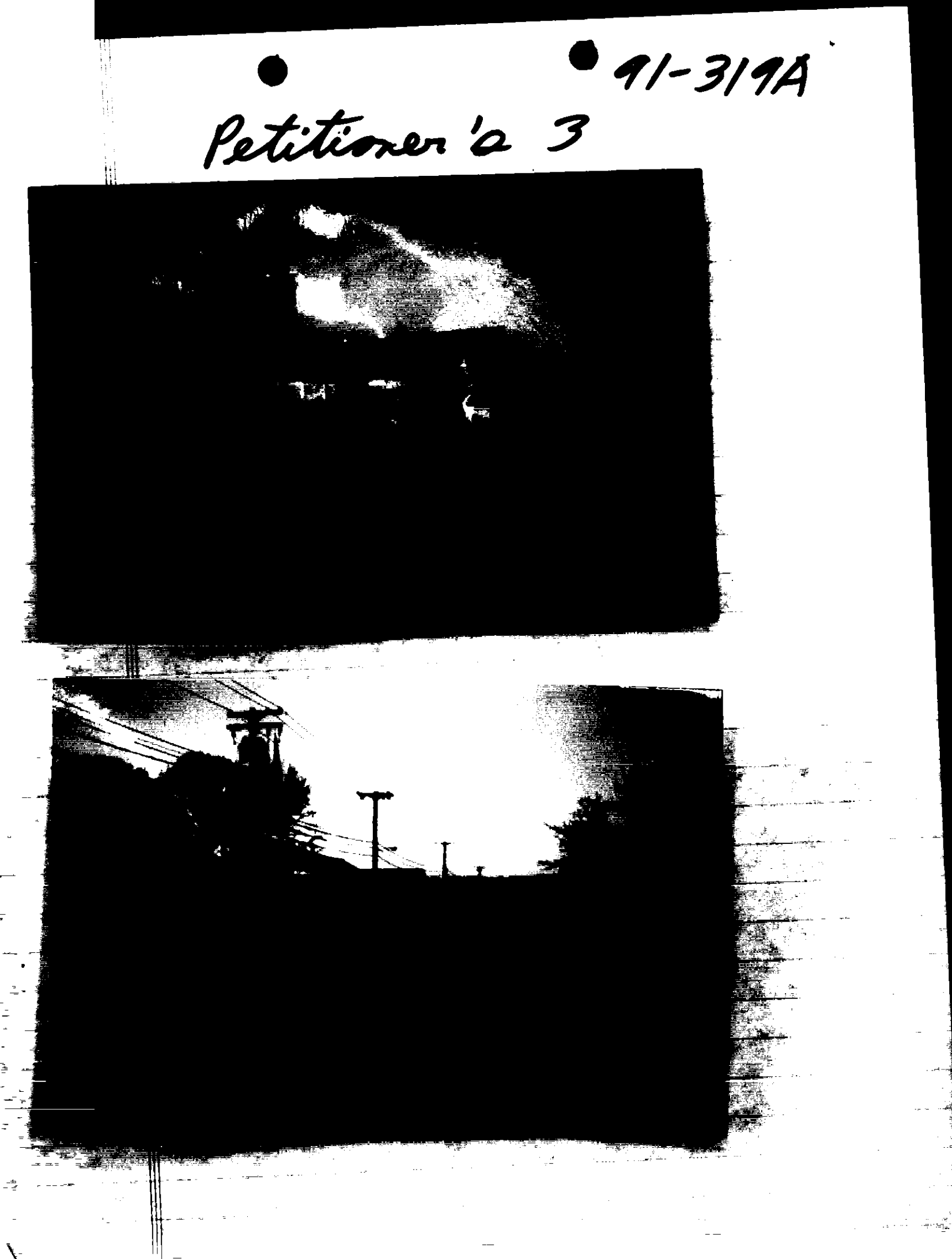
Very truly yours,
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvd

received
3/7/91

BALTIMORE COUNTY, MARYLAND
 INTEROFFICE CORRESPONDENCE
 TO: J. Robert Haines, Zoning Commissioner DATE: February 1, 1991
 FROM: Robert M. Williams, Jr.
 RE: Zoning Appeal of Middle River Baptist Church
 for February 1, 1991
 The Development Planning Division has reviewed the subject zoning appeal and has no comments for Item 51 (previous of 1988, 1989, and 1990).
 For Item 200, the Middle River Baptist Church comments are still applicable.
 For Item 204, a Group Review Board Meeting is required for this site.
 Robert M. Williams, Jr., Chief
 Development Planning Division

received
 2/5/91



9:15 A.M.
 # 288
 Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21204
 (301) 887-3363
 J. Robert Haines
 Zoning Commissioner
 91-319-A
 Provisional Approval
 Permit No: C-117-20
 48-061671
 DATE: 10-24-90
 LOCATION: 145 Middle River Rd, 120' NE Clover Rd.
 (610 Middle River Rd)
 The issuance of this permit in no way grants or implies approval of any matter relating to this property which is in conflict with the Baltimore County Zoning Regulations.
 The issuance of this permit is subject to the following Conditions:
 (Please check appropriate box(es))
☐ Owner has filed for a public hearing, Item # _____.
☒ Owner must file for a public hearing within 45 days before the Zoning Commissioner requesting relief from all conflicts with the Baltimore County Zoning Regulations.
☐ Owner/contract purchaser must submit a complete revised site development plan and requested accompanying information within ____ days resolving all possible conflicts with the Baltimore County Zoning Regulations.
 The owner/contract purchaser may proceed at his own risk with the construction indicated in the above-referenced permit.
 However, in the event that all of the above conditions are not completed as stipulated, and/or the petition for relief has been denied, dismissed or withdrawn, this provisional approval is rescinded forthwith.
 Immediately thereafter the owner/contract purchaser must return the property to the condition it was in prior to the beginning of said construction and accepts full financial liability in the matter.
 J. Robert Haines
 Zoning Commissioner
 I have read the above statement and I agree to abide by the decision of the Zoning Commissioner in this matter. I also hereby certify that I the undersigned am in fact the owner and if applicable the contract purchaser and not just an agent for same.
 Signed: John F. Muller
 Owner: John F. Muller
 (Please print clearly)
 Name: John F. Muller
 Address: 9111 1st Ave.
 Rock Hill, SC 29733
 Work Phone: (803) 781-1111
 Home Phone: (803) 781-1111
 Signed: _____
 Contract Purchaser
 (Please print clearly)
 Name: _____
 Address: _____
 Work Phone: _____
 Home Phone: _____
 Zoning Office Staff

91-319-A
 Minutes of Middle River Baptist Church
 Special Business Meeting, February 27, 1991
 Pastor Williams called the church into conference.
 He entertained a motion to allow this matter of business to be brought up at this time without having been previously announced. The motion was made and approved.
 The recommendation was presented from the Trustees that John Muller, chairman of Trustees, be authorized to sign, for the church, any documents pertaining to the zoning variance petition for the church sign. The lawyer and Mr. Muller have a hearing date for April 10, 1991. The recommendation was approved by the vote of the church.
 Respectfully submitted,
 Phyllis P. Taylor
 Church Clerk

